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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 September 2009</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,3-11,13 and 14</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,3-11,13 and 14</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1, 3-11, and 13-14 are pending in this application and presented for
examination.

Response to Arguments

2.   Applicant's arguments filed 9/8/09 have been fully considered but they are not
persuasive.

3.   As to claim 1, Applicant argues Sugano fails to disclose extracting "a part of
information of watcher clients." Applicant contents that instead Sugano discloses "the new
identifier of the first client is notified to all recipients to which the UIO of the first client was
sent in the past."

        Applicant's arguments are based on Sugano not disclosing notifying a subset of the
recipients. However, the newly amended text does not require a subset of recipients be
notified. Rather, the next merely requires extracting "a part of information of watcher
clients." In other words, Applicant's argument is based on a part of the watcher clients (i.e., a
subset of the plurality of watcher clients), whereas the text merely describes "a part of
information of watcher clients." The part of information may be seen as extracting a piece of
information from each of the watcher clients. This is done in Sugano as information

"corresponding to receiving users who previously received a corresponding transmitted UIO"

must be extracted in order to determine who has previously been contacted and therefore

must be sent the updated UIO (as disclosed, at least in part, by the section cited by Applicant

of Col. 18, ln. 10-14 and the section cited by Examiner in Col. 18, ln. 65 – Col. 19, ln. 2).

Accordingly, nothing in the claim precludes the notification of all recipients. Rather, the text

merely requires a part of information of each watcher client being extracted.

4.   As to claim 4, Applicant argues Sugano fails to disclose "extracting at least one of a

plurality of watcher clients of the first client based on the notification history, and deciding

to be one or more identifier notification recipients." Applicant states, "In contrast, Sugano

discusses transmitting updates based on all recipients of the UIOs."

        Again, the Examiner maintains that the language of the claim does not preclude all

recipients from being notified. Sugano discloses extracting information on which recipients

have previously received a corresponding UIO (i.e., a notification history) and deciding the

recipients are to identifier notification recipients (Col. 18, ln. 10-14). Nothing in the claim

eliminates all recipients from being notified, as notifying the group of all recipients would be

"at least one of" the recipients and "one or more identifier notification recipients." In other

words, the claim is directed to at least one, but does not state the at least one cannot be the

entire group.

Furthermore, even the group corresponding to users in the network who have

previously received a corresponding UIO is itself a subset of the entire group of users in the

network who have and **have not** received the corresponding UIO.

5.   The remaining claims are argued solely based upon the arguments presented for claim

1 and therefore the rejections are maintained in light of the Examiner's disagreement over

the allowability of claim 1.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or
> on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 1, 3-11, and 13-14 are rejected under 35 U.S.C. 102(b) as anticipated by Sugano

et al. (Sugano), U.S. Patent No. 6,205,478 B1.

8.   As to claim 1, Sugano discloses a client administration method of administering a

group of clients (Abstract, ln. 1-3), each client providing presence information (Col. 7, ln. 47-

49), the method comprising:

accepting a setting of presence information of the clients including a first client, and

storing the presence information on a client by client basis (Col. 7, ln. 40-43 and 47-49; Col.

19, ln. 2-6);

storing a watcher list for each of clients in the clients group (Col. 24, ln. 37-43; Col.

27, ln. 55-66; Col. 29, ln. 20-23 and 34-36), the watcher list correlating at least one identifier

of a watcher client with an identifier of a client owning the watcher list (Col. 16, ln. 28-30;

Col. 24, ln. 37-43; Col. 27, ln. 55-66; Col. 29, ln. 20-23 and 34-36), each watcher client being

provided with the presence information of a client owning the watcher list (Col. 18, ln. 65 –

Col. 19, ln. 2; Col. 24, ln. 37-43; Col. 27, ln. 55-66; Col. 29, ln. 20-23 and 34-36);

accepting a change of an identifier of the first client (Fig. 2, item 7; Col. 19, ln. 12-25);

extracting a part of information of watcher clients of the first client to be one or more

identifier notification recipients according to the change of the identifier of the first client

(Fig. 2, item 7; Col. 19, ln. 12-25; Col. 23, ln. 36-43);

replacing, in a watcher list of the first client, an old identifier of the first client with a

new identifier, and replacing identifiers of all watcher clients with one or more identifiers of

the extracted notification recipients (Col. 22, ln. 19-22; Col. 24, ln. 37-43; Col. 27, ln. 55-66;

Col. 29, ln. 20-23 and 34-36), and

transmitting a new identifier of the first client to one or more identifier notification

recipients identified in said extracting (Col. 22, ln. 6-18; Col. 23, ln. 36-43).

9.   As to claim 3, Sugano discloses storing identifiers of subscriber clients so that each

subscriber client is associated with at least one client that provides the presence information

thereto, the subscriber client being provided with the presence information of at least one

client of the clients group (Col. 7, ln. 47-49; Col. 16, ln. 28-30; Col. 18, ln. 65-67; Col. 19, ln.

1-2; Col. 27, ln. 55-66); and

        extracting a client to be an identifier notification recipient, the client being both a

watcher client of the first client and a subscriber client of the first client (Col. 23, ln. 36-43).

10.   As to claim 4, Sugano discloses notifying the first client's watcher client of new

presence information according to the setting of the presence information (Col. 7, ln. 47-49;

Col. 26, ln. 12-41);

        storing a notification history of the presence information (Col. 9, ln. 25-29; Col. 22,

ln. 65-67; Col. 23, ln. 1-3); and

        said extracting including extracting at least one of a plurality of watcher clients of the

first client based on the notification history, and deciding to be one or more identifier

notification recipients (Col. 18, ln. 10-14; Col. 19, ln. 12-25; an update notification is

transmitted to each of the user terminals corresponding to receiving users who previously

received a corresponding transmitted UIO; transmitting based on previous recipients is an

extraction step based on notification history).

11.   As to claim 5, Sugano discloses administering distribution of text messages exchanged

between the clients (Fig. 3; Col. 21, ln. 39-48);

        storing a distribution history of distributed text messages (Fig. 3; Fig. 4; Col. 9, ln. 25-

29; Col. 18, ln. 10-14; Col. 22, ln. 65-67; Col. 23, ln. 1-3); and

        said extracting including extracting at least one of a plurality of watcher clients of the

first client based on the distribution history, and deciding to be one or more identifier

notification recipients (Col. 18, ln. 10-14; transmitting based on previous recipients is an

extraction step based on distribution history).

12.   As to claim 6, Sugano discloses said storing of the presence information of the clients

includes associating the presence information with an access level, the access level limiting

notification recipients of the presence information of the clients (Col. 19, ln. 63-67; Col. 20,

ln. 1-15);

        the access level of each watcher client (Col. 19, ln. 63-67; Col. 20, ln. 1-5) is stored;

and

a portion of a plurality of watcher clients of the first client is determined to be the

identifier notification recipients based on the access level of each watcher client (Col. 20, ln.

30-61; Level 5 users are not issued a UIO and no items are accessible).

13.   As to claim 7, Sugano discloses transmitting display data for displaying the change of

the identifier of the first client to one or more identifier notification recipients (Col. 25, ln.

19-36).

14.   As to claim 8, Sugano discloses transmitting attribute information related to the

change of the identifier of the first client to one or more identifier notification recipients

(Fig. 3; Col. 22, ln. 6-18).

15.   As to claim 9, Sugano discloses accepting registration of the attribute information

(Col. 22, ln. 19-22).

16.   As to claims 10-11 and 13-14, the claims are rejected for reasons similar to claim 1

above.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the Notice of References Cited (PTO-892).

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN P. WHIPPLE whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (11:30 AM to 6:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

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for unpublished applications is available through Private PAIR only. For more information

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(toll-free). If you would like assistance from a USPTO Customer Service Representative or

access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or

571-272-1000.

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